

**LODI CITY COUNCIL  
REGULAR CITY COUNCIL MEETING  
CARNEGIE FORUM, 305 WEST PINE STREET  
WEDNESDAY, NOVEMBER 3, 2010**

C-1 Call to Order / Roll Call

The City Council Closed Session meeting of November 3, 2010, was called to order by Mayor Katzakian at 6:30 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

C-2 Announcement of Closed Session

- a) Review of Council Appointee - City Manager to Include Employment, Appointment, and Evaluation of Performance (Government Code 54957)

C-3 Adjourn to Closed Session

At 6:30 p.m., Mayor Katzakian adjourned the meeting to a Closed Session to discuss the above matter. The Closed Session adjourned at 6:55 p.m.

C-4 Return to Open Session / Disclosure of Action

At 7:00 p.m., Mayor Katzakian reconvened the City Council meeting and disclosed the following action.

Item C-2 (a) was discussion only with no reportable action.

A. Call to Order / Roll call

The Regular City Council meeting of November 3, 2010, was called to order by Mayor Katzakian at 7:00 p.m.

Present: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Absent: None

Also Present: Interim City Manager Bartlam, City Attorney Schwabauer, and City Clerk Johl

B. Pledge of Allegiance

C. Presentations

C-1 Homeless Youth Awareness and Runaway Prevention Month

Mayor Katzakian presented a proclamation to Jennifer Jones, Associate Executive Director of the Family and Youth Services of San Joaquin County, proclaiming the month of November 2010 as "Homeless Youth Awareness and Runaway Prevention Month" in the City of Lodi.

C-2 Presentation by Hospice of San Joaquin Regarding 2010 Tree of Lights

Stephen Guasco, Executive Director for Hospice of San Joaquin, made a presentation regarding the 2010 Hospice Tree Lighting in the City of Lodi.

C-3 Quarterly Update by the Greater Lodi Area Youth Commission (COM)

Mandy Majidian and Dey Nava, members of the Greater Lodi Area Youth Commission, gave an update regarding the accomplishments of the Youth Commission. Following the presentation, Mayor Katzakian presented the following Teen of the Month awards: September 2010, Roman Butler; and October 2010, Rebeca Galvan.

D. Consent Calendar (Reading; Comments by the Public; Council Action)

Council Member Johnson made a motion, second by Council Member Mounce, to approve the following items hereinafter set forth, **except those otherwise noted**, in accordance with the report and recommendation of the City Manager.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-1 Receive Register of Claims in the Amount of \$5,038,696.85 (FIN)

Claims were approved in the amount of \$5,038,696.85.

D-2 Approve Minutes (CLK)

The minutes of October 19, 2010 (Shirtsleeve Session), October 20, 2010 (Regular Meeting), and October 26, 2010 (Shirtsleeve Session) were approved as written.

D-3 Adopt Resolution Awarding the Purchase of 25,000 Feet of Underground Cable to General Cable Corporation, of Highland Heights, Kentucky (\$88,685.63) (EUD)

Adopted Resolution No. 2010-183 awarding the purchase of 25,000 feet of underground cable to General Cable Corporation, of Highland Heights, Kentucky, in the amount of \$88,685.63.

D-4 Adopt Resolution Accepting Improvements Under Contract for 2010 Alley Reconstruction Project and Appropriating Funds (\$11,289.32) (PW)

This item was pulled by staff from the agenda for consideration at a future City Council meeting.

D-5 Adopt Resolution Authorizing the City Manager to Execute Consent to Assignment by Treadwell & Rollo, Inc. and Assumption of Contract by Langan Engineering & Environmental Services, Inc. (PW)

This item was pulled for further discussion by Robin Rushing.

In response to Mr. Rushing, City Attorney Schwabauer provided an overview of the preexisting contractual relationship with Treadwell & Rollo, the historical selection of the firm to perform the subject work, and the assignment and assumption of the contract by Langan Engineering & Environmental Services, Inc.

Council Member Mounce made a motion, second by Council Member Johnson, to adopt Resolution No. 2010-186 authorizing the City Manager to execute the Consent to Assignment by Treadwell & Rollo, Inc. and Assumption of Contract by Langan Engineering & Environmental Services, Inc.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-6 Adopt Resolution Authorizing the City Manager to Execute the Service Maintenance Agreement with Sungard Public Sector, Inc. (\$131,967.14) (PD)

This item was pulled for discussion by Council Member Mounce.

In response to Council Member Mounce, Interim Police Chief Gary Benincasa stated staff and Council were made aware of the annual maintenance cost at the time the original contract was approved and staff is pleased with the system to date.

In response to Mayor Pro Tempore Hitchcock, Chief Benincasa stated this service, similar to the Data 911 service, is important and needed for department operations.

Council Member Mounce made a motion, second by Mayor Pro Tempore Hitchcock, to adopt Resolution No. 2010-187 authorizing the City Manager to execute the service maintenance agreement with Sungard Public Sector, Inc. in the amount of \$131,967.14.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

D-7 Adopt Resolution Increasing Parking Fines for Lodi Municipal Code and California Vehicle Code Sections (PD)

Adopted Resolution No. 2010-184 increasing parking fines for Lodi Municipal Code and California Vehicle Code Sections.

D-8 Adopt Resolution Approving Year 2010 Amendments to Conflict of Interest Code (Government Code §87306.5) (CA)

Adopted Resolution No. 2010-185 approving year 2010 amendments to Conflict of Interest Code (Government Code §87306.5).

D-9 Set Public Hearing for November 17, 2010, to Consider Unmet Transit Needs in Lodi (PW)

Set public hearing for November 17, 2010, to consider unmet transit needs in Lodi.

D-10 Set Public Hearing for November 17, 2010, to Consider Adoption of Resolution Setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan Development Fees for 2011 (CD)

Set public hearing for November 17, 2010, to consider adoption of resolution setting the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan development fees for 2011.

E. Comments by the Public on Non-Agenda Items

THE TIME ALLOWED PER NON-AGENDA ITEM FOR COMMENTS MADE BY THE PUBLIC IS LIMITED TO FIVE MINUTES. The City Council cannot deliberate or take any action on a non-agenda item unless there is factual evidence presented to the City Council indicating that the subject brought up by the public does fall into one of the exceptions under Government Code Section 54954.2 in that (a) there is an emergency situation, or (b) the need to take action on the item arose subsequent to the agenda's being posted. Unless the City Council is presented with this factual evidence, the City Council will refer the matter for review and placement on a future City Council agenda.

Alex Aliferis spoke in regard to his concerns about the condition of trees in the City, especially on the east side of the City and the liability associated with the same in severe weather conditions. Deputy Public Works Director Charlie Swimley responded that staff will work with Mr. Aliferis to address his concerns.

Robin Rushing spoke in regard to his concerns about medical marijuana and the publication of the address for those who possess medical marijuana.

Lance Mortenson spoke in regard to his concerns about due dates for utility billing and the assessment of late fees. Interim City Manager Bartlam stated staff will work with Mr. Mortenson regarding his specific concerns about his utility bill.

F. Comments by the City Council Members on Non-Agenda Items

Council Member Mounce inquired about the status of the local hiring ordinance, and City Attorney Schwabauer responded that he is continuing to research the matter and will bring the item back to Council for consideration in the near future.

Council Member Johnson suggested that, upon meeting with the Downtown Lodi Business Partnership's Executive Director regarding requirements for the Parade of Lights, he would like to see the matter of non-profit events agendaized for a future meeting to review requirements for the same.

Council Member Hansen reported on his attendance at the Northern California Power Agency (NCPA) and San Joaquin Council of Governments meetings and specifically discussed the construction of the new Lodi Energy Center, Turlock opting out of NCPA, three agencies requesting membership in NCPA, grade separation projects, and Measure K funding and renewal options.

G. Comments by the City Manager on Non-Agenda Items

None.

H. Public Hearings

H-1 Public Hearing to Consider Adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code with Local Amendments Including a Fee Schedule for Operational Permits and ATC 20 Placards (CD)

Notice thereof having been published according to law, an affidavit of which publication is on file in the office of the City Clerk, Mayor Katzakian called for the public hearing to consider adoption of the 2010 California Building Code, Mechanical Code, Electrical Code, Plumbing Code, Residential Code, Green Building Standard Code, and Fire Code with local amendments including a fee schedule for operational permits and ATC 20 Placards.

Interim City Manager Rad Bartlam provided a brief introduction to the subject matter of the adoption of the 2010 California Codes and placard ordinance.

Building Official Dennis Canright provided a PowerPoint presentation regarding the proposed code adoption. Specific topics of discussion included the California Building Standards Commission, code adoption process, Building Standards Code - Title 24, California Residential Code, California Green Building Standards Code, fire sprinklers, carbon monoxide alarms, mandatory measures, water use, construction waste, pollutant control, site development, bicycle parking, designated parking for clean air vehicles, accessibility for existing buildings, placards ordinance, and public communication.

In response to Council Member Hansen, Mr. Canright stated the Codes themselves are available on-line for review.

In response to Council Member Hansen, Mr. Canright stated the carbon monoxide requirement is triggered by new construction and certain improvements of \$1,000 or more.

In response to Mayor Pro Tempore Hitchcock, Mr. Canright stated new construction generally applies to bigger projects with respect to parking requirements.

In response to Council Member Mounce, Mr. Canright stated the parking requirements are based on a formula for spaces rather than percentages.

In response to Council Member Mounce, Mr. Canright stated a change of occupancy is generally a change in the use of the building and provided a few examples of the same.

In response to Mayor Pro Tempore Hitchcock, Mr. Canright stated the change in occupancy requirement will be expensive because some facilities were built many years ago and the parking layouts may cross paths of travel and accessibility improvements will be needed.

Fire Chief Kevin Donnelly provided a PowerPoint presentation regarding the Fire Code adoption as proposed. Specific topics of discussion included administrative section changes, appendixes for high hazards, local codes, operational permitting of current code, fee schedule and adoption for operational permits, and implementation over the upcoming year.

In response to Council Member Johnson, Chief Donnelly stated using temporary structures for an extended period of time, generally for 30 days or longer, will trigger the new requirement and fee.

In response to Mayor Pro Tempore Hitchcock, Chief Donnelly stated the fire sprinkler requirement is applicable to new construction only.

In response to Mayor Katzakian, Mr. Canright stated the carbon monoxide alarms can be battery-operated and do not need to be hardwired. In response to Council Member Hansen, Mr. Canright stated the \$1,000 threshold was established by the State as a mandate.

Council Member Mounce made a motion, second by Council Member Johnson, to introduce the following ordinances adopting the 2010 building/construction/fire codes: Ordinance No. 1834

relating to the California Building Code; Ordinance No. 1835 relating to the Mechanical Code; Ordinance No. 1836 relating to the Electrical Code; Ordinance No. 1837 relating to the Plumbing Code; Ordinance No. 1838 relating to the Residential Code; Ordinance No. 1839 relating to the Green Building Standard Code; Ordinance No. 1840 relating to the Fire Code; and Ordinance No. 1841 relating to ATC 20 Placards.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

I. Communications - None

J. Regular Calendar

J-1 Introduce Ordinance Amending Lodi Municipal Code Chapter 2.44 - Personnel System - by Repealing and Reenacting Sections 2.44.070, "Composition of Board - Vacancies," and 2.44.100, "Hearing of Appeals" (CA)

City Attorney Schwabauer provided a brief presentation regarding the proposed ordinance, stating it is a housekeeping measure to ensure consistency with the newly-revised Personnel Rules, which were adopted by the City Council at a recent meeting.

Council Member Hansen made a motion, second by Council Member Johnson, to introduce Ordinance No. 1842 amending Lodi Municipal Code Chapter 2.44 - Personnel System - by repealing and reenacting Sections 2.44.070, "Composition of Board - Vacancies," and 2.44.100, "Hearing of Appeals."

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

K. Ordinances

K-1 Adopt Ordinance No. 1833 Entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, "Electrical Service," by Repealing and Reenacting Section 13.20.225, "Schedule NEM - Net Energy Metering Rider," and Section 13.20.227, "Schedule CEM - Co-Energy Metering Rider" (CLK)

Council Member Mounce made a motion, second by Council Member Johnson, (following reading of the title) to waive reading of the ordinance in full and adopt and order to print Ordinance No. 1833 entitled, "An Ordinance of the Lodi City Council Amending Chapter 13.20, 'Electrical Service,' by Repealing and Reenacting Section 13.20.225, 'Schedule NEM - Net Energy Metering Rider,' and Section 13.20.227, 'Schedule CEM - Co-Energy Metering Rider,'" which was introduced at a regular meeting of the Lodi City Council held October 20, 2010.

VOTE:

The above motion carried by the following vote:

Ayes: Council Member Hansen, Council Member Johnson, Council Member Mounce, Mayor

Pro Tempore Hitchcock, and Mayor Katzakian

Noes: None

Absent: None

L. Adjournment

There being no further business to come before the City Council, the meeting was adjourned at 8:07 p.m., in memory of Eileen St. Yves, member of the Lodi Improvement Committee, who passed away on October 27, 2010, and Laura (Koepplin) Rosenquist, who passed away on October 24, 2010.

ATTEST:

Randi Johl  
City Clerk